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2060

QUESTIONS TO BE CONSIDERED BY EMERGENCY RELIEF COMMITTEE IN DEVELOPING PLAN FOR TRANSPORTATION AND DISPOSITION OF THE REMAINS OF THE JONESTOWN DECEASED AS REQUESTED BY JUDGE BROWN OF THE CALIFORNIA SUPERIOR COURT.

1. QUESTION: WHICH BODIE SHOULD BE COVERED BY THE PLAN?

The following should be covered by the plan: 2/13/79 Number

1. Unidentified remains. 265

Identified remains that are unclaimed. 305
570

3. Identified remains that are unclaimed whose next-of-kin have indicated in writing that they will not be making a claim for their relative's body and who have authorized the State Department to dispose of the body. (79)

It can also be argued that bodies in all of the above listed categories should be covered by the plan since the People's Temple owes the same obligation to all its deceased members. For this reason, persons who have already expended funds to make a claim for a relative's body should be imbursed up to the same amount that is expended fo each of the bodies that have not been claimed. Even in cases where the next-of-kin have specifically indicated that they do not wish to claim certain bodies the court should authorize disbursal of funds for burial, as the disbursement theory rests upon an obligation flowing from the People's Temple to the deceased - not to their next-of-kin.

In summary, the reasons for including a reimbursement provision in the plan are:

1. The People's Temple owes the same obligation to all its dece ased members.

2. Equity. The families that expended their own funds should not be penalized for waiting until the Court acted to set aside PT assets for this purpose.

3. There are 343 opportunities for suit by next-of-kin who have expended their own funds. They may attempt to enter the Superior Court case in an effort to obtain reimbursement and/or an injuction against disbursement of any PT funds for a transportation (burial) plan that did not contain a reimbursement provision.

DEPARTMENT OF STATE A/CDC/MR
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TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
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On the other hand, the following are reasons why a reimbursement provision in the plan may be ill advised:

1. The Court may view reimbursement as an unnecessary expense. The court may only wish to use PT assets to pay for transportation and disposition of bodies still on the Base.

2. The receivor might oppose reimbursement for the same reason as (1) above. In addition, the receivor might take the position that any reimbursement could compromise his position in a suit against next-of-kin who have claimed bodies.

3. It is much less likely that a waiver by the U.S. Government for priority may occur if reimbursement for funds already expended is included in the plan.

4. A reimbursement provision may be reviewed by the court as being beyond the contemplated scope of the plan.

5. Inclusion of a reimbursement provision may be challenged by other parties for the proceeding.

As of February 13, 1979, 343 deceased have been released to next-of-kin.

If a reimbursement provision is included in the plan each next-of-kin should be reimbursed some set amount that is agreed represents an "average cost" for transportation and burial. If the next-of-kin did not expend as much as the average cost they should only be reimbursed for actual out of pocket expenses.

2. QUESTION: WHAT MANNER OF FINAL DISPOSTION OF THE REMAINS SHOULD BE ADVOCATED IN THE PLAN?

Ground burial should be selected. While burial at sea and cremation are inexpensive alternative means of disposition they should not be selected because:

The bodies would be beyond recovery. In individual cases nonrecoverability could prove to be undesirable since identification data from each body will be stored in a computer and records maintained by the unit in charge of the Government's identification effort. (The Armed Forces Institute of Pathology in Washington, D.C.)

Therefore, at a future date relatives could submit newly discovered identification data and identify the body of their relative. If ground burial was chosen the body could be disinterred and buried at a site of the relative's choice. If the unidentified body was buried at sea this option would obviously not be available.

Similarly, if additional investigations of whatever kind (e.g. criminal investigations, inquiries concerning administration of estates, inquiries regarding insurance claims, etc.) necessitated a re-examination of the bodies it would not be possible if the bodies were buried at sea or cremated. The Committee could thus obviate lawsuits or public criticism by choosing ground burial over any other option.

In addition to the advantage of recoverability, ground burial would also provide the relatives of the deceased an opportunity to visit their relatives' final resting places.

3. QUESTION: WHO PRESENTLY HAS CUSTODY OF THE BODIES OF THE JONESTOWN DECEASED THAT ARE PRESENTLY ON THE DOVER AIR FORCE BASE?

The U.S. Government.

4. QUESTION: TO WHOM WILL CUSTODY BE TRANSFERRED?

Custody will be transferred to whomever has undertaken the responsibility to transport and dispose of the bodies.

5. QUESTION: WHEN WILL THIS TRANSFER OF CUSTODY OCCUR?

At such time as each body is released for transportation from Dover Air Force Base.

6. QUESTION: WHAT ARE THE LEGAL RAMIFICATIONS OF THE ASSUMPTON OF CUSTODY?

The party who receives custody assumes full legal responsibility for transportation and dispostion of the body, casket, and any personal effects contained in the casket including any and all liability that may be incurred as a result of such custody and responsibility.

7. QUESTION: WILL THE PARTY WHO ASSUMES CUSTODY OF THE BODY BE REQUIRED TO SIGN AN ASSUMPTION OF LIABILITY STATEMENT?

Yes. A sample of the assumption of liability statement presently in use is attached.

8. QUESTION: HOW SHOULD THE BODIES BE TRANSPORTED?

Various options come readily to mind. The three most viable options would, however, appear to be by:

1. Air. This could be accomplished by utilizing regularly scheduled commerical flights or through a charter arrangement. If a charter is used, the possibility exists that the plane will be granted permission to land at Dover Air Force Base and a DOD air facility at destination. Such an arrangement would obviate the necessity of incurring the additional expense of transporting the bodies to the Philadelphia or Baltimore/ Washington Airports.

2. Rail. (ICC requires petition for declaratory statement)

3. Truck.

No matter which mode of transporation is chosen care should be taken to insure that no damage is done to the caskets in transit. In particular, stacking of the caskets should be avoided. The use of a cardboard packing crate might be advisable. If the bodies are transported by truck the vehicles used by various casket makers come specially equipped with shelves designed to minimize or prevent damage.

The Committee should be ascertaining costs of each mode now.

If rail or truck transportation is utilized certain states may require that transit permits be issued before the bodies are allowed to move through the state. We are in receipt of an opinion of the

Delaware Attorney General to the effect that the documents presently accompanying each body constitute a satisfactory transit permit under Delaware law. It is, however, unclear whether all the states through which the bodies would need to travel would reach the same conclusion as Delaware. It therefore would be the responsibility of the carrier to inquire in advance with the officials of each state through which the bodies would travel to ascertain whether the documentation presently available would satisfy the states laws concerning transmit permits.

9. QUESTION: WHAT SHOULD BE THE ULTIMATE DESTINATION FOR THE BODIES?

While a majority of the next-of-kin of the deceased reside in California a number of the next-of-kin (6 8) reside in other states.

In its plan the Committee may wish to advocate that each body be transported to the destination chosen by the next-of-kin. If this approach is taken there are several inherent logistical and administrative problems. Specifically, the next-of-kin who opt for burial in states other than California will incur different transportation and burial expenses from the California next-of-kin. For example, a next-of-kin may request burial in New York, Pennsylvania, Texas, Illinois or some other state. Therefore, the next-of-kin should be contacted in advance in order to ascertain their wishes to the location of the final resting place of their deceased relative. Any body that would be buried other than in California should probably not be shipped to California but rather depending upon the distances involved should be transported directly from DAFB to the burial site if such site is closer to the base than to California.

If this approach is chosen, the committee will have to decide whether to advocate in the plan an average amount of money to be made available to non-California next-of-kin for burial and transportation or whether provision will be made for each case individually in the plan. It is worth noting that if the non-California next-of-kin are thus accommodated the next-of-kin in California will also have a strong case for individual treatment, e.g., delivery to any cemetery they choose within the state.

However, even if two or three cemeteries are chosen in California it seems that various next-of-kin might complain if the cemetery of their preference is not selected for burial of their relative. The next of kin might perfer one cemetery

for reasons of location, aesthetics, etc. Nevertheless, if a cemetery were selected in the Los Angeles area and another in the Bay area, given the location of many of the next-of-kin, this might prove to be a satisfactory solution.

Some of the above problems might be avoided by utilizing direct billing from morticians hired by the next-of-kin and paying such morticians directly a set amount. The next-of-kin would pay the balance, no matter where they were located.

10. QUESTION: WHAT IF A NEXT-OF-KIN PREFERS CREMATION TO BURIAL?

It would seem that such a request should be honored. If a next-of-kin wants their relative's body cremated it probably should be cremated on the East Coast. The ashes could then be shipped to the location chosen by the next-of-kin or scattered at sea, depending upon the wishes of the next-of-kin.

Cremation should occur on the East Coast, because it would probably be cheaper than the cost of transporting a body to California for cremation thee.

If a next-of-kin chose cremation it would reduce the overall costs and would also eliminate other logistical problems. It is much cheaper to ship the ashes than to transport the body itself to California as the body would not have to be stored on the West Coast before burial, and there would be no necessity for obtaining a grave.

(a) How should the crematory be chosen?

The Committee could shop around for the lowest price in the Delaware vicinity including Delaware, Maryland, Pennsylvania and New Jersey. Another option would be to send this out for bids.

Of course, inquiries have been made concerning the law on cremation in these states in order to ascertain whether the documentation presently available will satisfy the state laws on this subject. So, far, Pennsylvania and New Jersey have been satisfied. We are continuing our efforts of complying with other states' laws.

11. QUESTION: IS THE DOCUMENTATION PRESENTLY AVAILABLE SUFFICIENT TO ALLOW FOR BURIAL IN CALIFORNIA? IS SUCH A BURIAL POLITICALLY ACCEPTABLE ON BOTH THE STATE AND LOCAL LEVEL?

The appropriate state officials should be consulted in order to obtain the necessary assurances on this subject. We believe the documentation is adequate. List of documents attached.

12. QUESTION: ONCE THE BODIES HAVE REACHED CALIFORNIA, WHAT PROVISIONS WOULD HAVE TO BE MADE FOR THEIR STORATE?

Before a storage site is chosen local officials should be contacted regarding any local rules, suggestions for sites and public acceptance. The storage site should be in a relatively safe neighborhood, if possible. It should be equipped with appropriate locks, lighting and guards should be available. A police escort might be considered for any mass shipment of the bodies from storage to gravesites. California law may allow for storage of bodies only for a limited period of time. The Committee may have to request an extension from the appropriate authorities, usually at the State Department of Health.

It is recommended that if at all possible the need for storag be obviated by having final destination preplanned and timed to coincide with arrival in California. (e.g. - all graves dug in advance and merely take body to site from arrival poin

13. QUESTION: HOW WILL A CEMETERY BE CHOSEN IN CALIFORNIA?

The committee can shop around for the best price or put it out for bids. (This should be done immediately)

14. QUESTION: WHAT SHOULD THE COMMITTEE LOOK FOR IN A CEMETERY?

a) perpetual care and an escrow account in a bank to finance

b) the age amd repuration of the cemetery. A check of the cemetery should be made with both the California and National Cemetery associations.

c) Is a burial vault or liner required by the cemetery or sta law? If not, should the plan include a provision for an outl of funds for this purpose?

d) Does the cemetery include a religious service either at th cemetery, at another site, or both?

e) Should individual grave markers be obtained?

f) Insure in any agreement with the cemetery that the cemeter will not become an "attraction" open to the public for a fee.

g) Will the cemetery quote include the cost of transportatior from the storage facility to the cemetery? If not, it will be necessary to contract for this service.

15. - QUESTION: WILL THE SUPERIOR COURT INCLUDE IN ITS ORDER A PROVISION DESIGNATING THE COMMITTEE TO BE THE ORGANIZATION TO WHOM THE STATE DEPARTMENT RELINQUISHES CUSTODY?

This eventuality would seem to be desirable. If this was not to occur, then the Department would have to insist upon receiving releases from the next-of-kin indicating that the Committee was being authorized to act on their behalf.

16. QUESTION: WILL THE COMMITTEE ASSUME THE RESPONSIBILITY FOR SERVING AS AN INFORMATION CENTER TO WHICH THE NEXT-OF-KIN CAN TURN TO RECEIVE ANSWERS CONCERNING TRANSPORTATION, BURIAL AND RELATED MATTERS?

Yes. Once the committee assumes custody of the bodies it should be prepared to receiv e telephoen queries from the next-of-kin as to all phases of the ensuing operation. Specifically, the Committee will have to keep the NOK informed as to the means of transportation, time of arrival of the bodies in California or other locations, location of storage facilities, time of funeral service, directions to the cemetery and any other questions that might arise.

17. QUESTION: WILL THE COMMITTEE ASSUME THE RESPONSIBILITY FOR MAKING ANY CLAIMS THAT MIGHT EXIST FOR BURIAL/DEATH BENEFITS FROM THE SOCIAL SECURITY ADMINISTRATION AND THE VETERAN'S ADMINISTRATION.

Yes. Each next-of-kin should be asked to assign these benefits to the committee. The committee could in turn reduce the cost of the plan by this amount.

18. QUESTION: HOW SHOULD THE EMERGENCY RELIEF COMMITTEE PLAN BE EXECUTED?

The court should empower the receiver to take whatever action is necessary to ensure that each and every step of the plan is executed with all due speed.

19. QUESTION: HOW SHOULD THE EMERGENCY RELIEF COMMITTEE PLAN BE FINANCED?

The court should charge the receiver with all necessary authority to utilize PT assets to assure the complete execution of the plan. In this regard it is recommended that the court grant to the receiver the authority to:

a. use liquid PT capital, and

b. liquidate PT assets by auction to the degree required to finance the execution of its plan, and

c. obtain a commercial loan in any amount necessary to execute the plan. In this regard, the receiver should be authorized to pledge PT assets as collateral, and

d. act to provide any and all other means of financing the venture.

Attachments:
As stated.